



NORTH SIDE CANAL COMPANY

921 North Lincoln • Jerome, Idaho 83338 • (208) 324-2319

May 25, 2004

Dockets Management System
U.S. Department of Transportation, Rm PL-401
400 Seventh Street, S.W.
Washington, D.C. 20590-0001

RE: Comments for RSPA-04-17167 - 8

North Side Canal Company, Ltd. is an "irrigation" water delivery company that provides water for 160,000 acres in South Central Idaho. The Company has eleven hundred (1,100) miles of canals and laterals through which irrigation water is delivered throughout the system to its waterusers. It would be impossible to deliver irrigation water through the canal system if aquatic weeds and algae were not controlled. At this time, we are experiencing a serious drought for the fourth year in succession. We must be able to keep the canal system free of aquatic weeds and algae to be able to conserve our much needed water supply and meet irrigation demands for crops. The most effective tool used in controlling aquatic weeds is a chemical we use under the trade name of "MAGNACIDE H HERBICIDE". The Company has been using Magnacide H for over forty years without any problems. North Side Canal Company depends on the availability of Magnacide H to keep the canals clean in order to make water deliveries to farming communities within the system. The Company treats the canal system three or four times a year, to allow adequate water deliveries throughout the system. We have had great success with Magnacide H keeping the canal system clean and free of moss without incident.

The Canal Company has received Magnacide H in 4-BW240 cylinders for years without any problems. By the Department of Transportation requiring a new design on these cylinders will only add to the cost of a struggling economy for the farmers. Based on my discussion with Baker Petrolite, to manufacture the new specification 3-B cylinders would be very expensive, and they cannot be constructed to meet the safety requirements for the applicator. A new specification 3-B cylinder manufactured to hold a comparable amount of chemical would be too tall for safe application in the field. We believe, for the safety of our employees, that all safety features utilized now should remain in place at all times.

North Side Canal Company believes that there should be regulatory flexibility in the recently revised 49-CR 173.226 as well as other provisions within 49-CFR 173.40. We have received shipments of Magnacide H in 4-BW240 cylinders without risk to property or personnel safety for many years. We desperately need this chemical in order to make water deliveries to our customers, but we **certainly do not need any more cost** added to the agricultural economy. We ask you for assistance in carefully evaluating the impact that these changes in cylinder specifications will have on the agricultural community. We applaud your efforts in increasing the safety of transporting hazardous materials that are poisonous by inhalation and are receptive to finding the most practicable resolution to this matter.

Sincerely,

Ted Diehl,
Manager